

House File 428 - Introduced

HOUSE FILE _____
BY WENDT

(COMPANION TO SF 157)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to a name change by a person required to register
2 as a sex offender, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1915YH 82
5 jm/je/5

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1 1 Section 1. Section 595.3A, Code 2007, is amended to read
1 2 as follows:

1 3 595.3A APPLICATION FORM AND LICENSE == ABUSE PREVENTION
1 4 ~~LANGUAGE AND SEX OFFENDER INFORMATION.~~

1 5 1. In addition to any other information contained in an
1 6 application form for a marriage license and a marriage
1 7 license, the application form and license shall contain the
1 8 following statement in bold print:

1 9 "THE LAWS OF THIS STATE AFFIRM YOUR RIGHT TO ENTER INTO
1 10 THIS MARRIAGE AND AT THE SAME TIME TO LIVE WITHIN THE MARRIAGE
1 11 UNDER THE FULL PROTECTION OF THE LAWS OF THIS STATE WITH
1 12 REGARD TO VIOLENCE AND ABUSE. NEITHER OF YOU IS THE PROPERTY
1 13 OF THE OTHER. ASSAULT, SEXUAL ABUSE, AND WILLFUL INJURY OF A
1 14 SPOUSE OR OTHER FAMILY MEMBER ARE VIOLATIONS OF THE LAWS OF
1 15 THIS STATE AND ARE PUNISHABLE BY THE STATE."

1 16 2. The application form for a marriage shall also contain
1 17 a question about whether any of the parties are required to
1 18 register as a sex offender under chapter 692A.

1 19 Sec. 2. Section 595.5, Code 2007, is amended by adding the
1 20 following new subsection:

1 21 NEW SUBSECTION. 1A. If a party to a marriage discloses
1 22 the person is required to register as a sex offender under
1 23 chapter 692A, and the person required to register as a sex
1 24 offender requests a name change, the clerk of the district
1 25 court shall deliver a certified copy of the marriage license
1 26 to the department of public safety for entry of the name
1 27 change into the sex offender registry.

1 28 Sec. 3. NEW SECTION. 595.8 FAILURE TO DISCLOSE SEX
1 29 OFFENDER REGISTRATION INFORMATION == PENALTY.

1 30 A party to a marriage commits an aggravated misdemeanor if
1 31 the party knowingly fails to disclose on the application form
1 32 for marriage as provided in section 595.3A that the party is
1 33 required to register as a sex offender under chapter 692A.

1 34 Sec. 4. Section 598.37, Code 2007, is amended to read as
1 35 follows:

2 1 598.37 NAME CHANGE.

2 2 ~~Either~~ Except as otherwise provided in this section, either
2 3 party to a marriage may request as a part of the decree of
2 4 dissolution or decree of annulment a change in the person's
2 5 name to either the name appearing on the person's birth
2 6 certificate or to the name the person had immediately prior to
2 7 the marriage. If a party requests a name change other than to
2 8 the name appearing on the person's birth certificate, or to
2 9 the name the person had immediately prior to the marriage, or
2 10 the person is required to register as a sex offender under
2 11 chapter 692A, the request shall be made under chapter 674.

2 12 Sec. 5. Section 600.6, Code 2007, is amended by adding the
2 13 following new subsection:

2 14 NEW SUBSECTION. 6. If the person to be adopted is an
2 15 adult and is required to register as a sex offender under
2 16 chapter 692A, a written statement by the person to be adopted
2 17 declaring the person is required to register as a sex offender
2 18 under chapter 692A.

2 19 Sec. 6. Section 600.13, subsection 5, Code 2007, is
2 20 amended to read as follows:

2 21 5. An interlocutory or a final adoption decree shall be
2 22 entered with the clerk of court. Such decree shall set forth
2 23 any facts of the adoption petition which have been proven to
2 24 the satisfaction of the juvenile court or court and any other
2 25 facts considered to be relevant by the juvenile court or court
2 26 and shall grant the adoption petition. If so designated in
2 27 the adoption decree, the name of the adopted person shall be
2 28 changed by issuance of that decree. The clerk of ~~the~~ court
2 29 shall, within thirty days of issuance, deliver one certified
2 30 copy of any adoption decree to the petitioner, one copy of any
2 31 adoption decree to the department and any agency or person
2 32 making an independent placement who placed a minor person for
2 33 adoption, and one certification of adoption as prescribed in
2 34 section 144.19 to the state registrar of vital statistics. If
2 35 the adopted person is an adult and the adopted person

3 1 discloses the person is required to register as a sex offender

3 2 under chapter 692A, and the name of the adopted person is

3 3 changed in the decree, the clerk of court shall deliver one

3 4 certified copy of the adoption decree to the department of

3 5 public safety for entry of the name change into the sex

3 6 offender registry. Upon receipt of the certification, the

3 7 state registrar shall prepare a new birth certificate pursuant

3 8 to section 144.23 and deliver to the parents named in the

3 9 decree and any adult person adopted by the decree a copy of

3 10 the new birth certificate. The parents shall pay the fee

3 11 prescribed in section 144.46. If the person adopted was born

3 12 outside this state but in the United States, the state

3 13 registrar shall forward the certification of adoption to the

3 14 appropriate agency in the state of birth. A copy of any

3 15 interlocutory adoption decree vacation shall be delivered and

3 16 another birth certificate shall be prepared in the same manner

3 17 as a certification of adoption is delivered and the birth

3 18 certificate was originally prepared.

3 19 Sec. 7. NEW SECTION. 600.26 FAILURE TO DISCLOSE SEX

3 20 OFFENDER REGISTRATION INFORMATION == PENALTY.

3 21 An adult adopted person, or adult person to be adopted,

3 22 commits an aggravated misdemeanor if the person knowingly

3 23 fails to disclose the person is required to register as a sex

3 24 offender under chapter 692A through a written statement

3 25 attached to the petition pursuant to section 600.6.

3 26 Sec. 8. Section 674.2, Code 2007, is amended by adding the

3 27 following new subsection:

3 28 NEW SUBSECTION. 4A. Whether the petitioner is required to

3 29 register as a sex offender under chapter 692A.

3 30 Sec. 9. NEW SECTION. 674.7A COPY TO DEPARTMENT OF PUBLIC

3 31 SAFETY.

3 32 When the court grants a decree of change of name and the

3 33 petitioner is required to register as a sex offender under

3 34 chapter 692A, the clerk of court shall furnish a certified

3 35 copy of the decree to the department of public safety for

4 1 entry of the name change into the sex offender registry as

4 2 provided in chapter 692A.

4 3 Sec. 10. NEW SECTION. 674.15 FAILURE TO DISCLOSE SEX

4 4 OFFENDER REGISTRATION INFORMATION == PENALTY.

4 5 A person commits an aggravated misdemeanor if the person

4 6 petitions the court seeking a name change as provided in this

4 7 chapter and the person knowingly fails to disclose in the

4 8 petition that the person is required to register as a sex

4 9 offender under chapter 692A.

4 10 Sec. 11. Section 692A.3, Code 2007, is amended by adding

4 11 the following new subsection:

4 12 NEW SUBSECTION. 6. The fact that the clerk of the

4 13 district court is forwarding name change information to the

4 14 department pursuant to section 595.5, 600.13, or 674.7A, does

4 15 not alleviate the responsibility of a person required to

4 16 register under this chapter to notify the sheriff of a name

4 17 change as provided in this section.

4 18 EXPLANATION

4 19 This bill relates to a name change by a person required to

4 20 register as a sex offender.

4 21 The bill requires the application form for a marriage to

4 22 contain a question about whether any of the parties to the

4 23 marriage are required to register as a sex offender. If a

4 24 party to the marriage discloses the person is required to

4 25 register as a sex offender on the marriage application form

4 26 and the person required to register requests a name change,

4 27 the clerk of the district court shall send a certified copy of

4 28 the marriage license to the department of public safety for

4 29 entry of the name change into the sex offender registry.

4 30 The bill is also applicable to a name change pursuant to a
4 31 dissolution of marriage under Code section 598.37.

4 32 If an adult person to be adopted is required to register as
4 33 a sex offender and also requests a name change, the bill
4 34 requires a written statement prepared by the person to be
4 35 adopted that is attached to the adoption petition declaring
5 1 the adult person to be adopted is required to register as a
5 2 sex offender. Upon final issuance of the adoption decree, the
5 3 bill requires the clerk of the district court to send a
5 4 certified copy of the adoption decree to the department of
5 5 public safety for entry of the name change into the sex
5 6 offender registry.

5 7 If a person petitions the court to change the person's name
5 8 under Code chapter 674, and the person is required to register
5 9 as a sex offender, the bill requires the person to state in
5 10 the petition that the person is required to register as a sex
5 11 offender.

5 12 If the court grants a decree of name change for a person
5 13 required to register as a sex offender, the bill requires the
5 14 clerk of the district court to send a certified copy of the
5 15 decree of name change to the department of public safety for
5 16 entry into the sex offender registry.

5 17 A person required to register as a sex offender who
5 18 violates the bill commits an aggravated misdemeanor.

5 19 The bill does not alleviate the responsibility of a sex
5 20 offender to notify the sheriff of a name change as provided in
5 21 Code section 692A.3. A person who fails to notify the sheriff
5 22 of a name change, commits an aggravated misdemeanor pursuant
5 23 to Code section 692A.7 for a first offense and a class "D"
5 24 felony for a second or subsequent offense.

5 25 An aggravated misdemeanor is punishable by confinement for
5 26 no more than two years and a fine of at least \$625 but not
5 27 more than \$6,250. A class "D" felony is punishable by
5 28 confinement for no more than five years and a fine of at least
5 29 \$750 but not more than \$7,500.

5 30 LSB 1915YH 82

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